

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ELOY CARDENA; aka ABRAHAM  
CARDENAS,

Petitioner,  
VS.

NATHANIEL QUARTERMAN,  
  
Respondent.

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CIVIL ACTION NO. C-08-399

**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO GRANT  
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**


On May 26, 2009, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 14) be granted; that petitioner's habeas petition (D.E. 1) be dismissed with prejudice; and that petitioner be denied a certificate of appealability. On June 10, 2009, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted and petitioner's habeas petition is dismissed with prejudice. Petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 17th day of July, 2009.

  
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Janis Graham Jack  
United States District Judge